IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 11812 of 2004

Between:

Smt. V. Laxminarasamma,

W/o. Sri. V. Subramanyam,
R/o. Flat No. B37/F1,

LIG Ground Floor, Baghlingampally,

Hyderabad.

..... PETITIONER

AND

1. The Executive Engineer (HG),

Sourth Division A.P. Housing board,

M.J.Road, Hyderabad-01.

2. The A.P. Housing Board,

Gagan Vihar, Nampally,

Hyderabad, rep. by its Vice Chairman

and Housing Commissioner.

...RESPONDENTS

* * *

ORDER:

This writ petition has been filed by V.Laxminarasamma with a prayer to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for records from the respondents pertaining to allotment of stray pieces/open plots adjacent to LIG Block 37, Baghlingampally, Hyderabad, and set aside the same as being illegal and contrary to G.O.Ms.No.38 dated 30-05-1997, Housing Department, Government of A.P., and consequently direct the respondents to consider the plea/objection of the petitioner dated 05-07-2004, for allotment of stray pieces/open plots adjacent to LIG Block 37, Baghlingampally, Hyderabad, before passing any orders for allotment of the above piece of land to 3rd parties.

2. The writ petitioner claims to have purchased flat No.B37/F1, LIG Ground Floor, Baghlingampally, Hyderabad, from M.Srinivasulu. It is the case of the petitioner that her vendor submitted an application to the Housing Board for allotment of adjacent land on market value. After her purchase, she also submitted an application on 05.07.2004. Since her application has not been considered, she has chosen to approach this court invoking the jurisdiction under Article 226 of the Constitution of India.

3. Third respondent came on record as per orders dated 10.03.2005 in W.P.M.P.No.26769 of 2004.

4. A counter-affidavit has been filed by the 3rd respondent. It is suffice to refer counter-affidavit of the third respondent. It is stated in the counter-affidavit that a plot has been allotted to her on 05.07.2004. The relevant portion of para 6 of the counter-affidavit reads as follows:

" I submit that my husband, K.Parasuram, who was working as Sub-Inspector of Police, Task force, Hyderabad, died in December, 1992. Thereupon, I submitted a representation to the A.P. Housing Board for allotment of a plot to me for construction of a house thereon for the purpose of my residence. The government, who were approached in that wise by the Housing Board, issued order No.2629/HB2, dated 14.10.1994 permitting the Housing Board to allot land admeasuring 80-00 sq. yards in Ward No.1, Block No.8, adjacent to H.I.G. Phase-I at Bagh Lingampally to me. On payment of the land cost of Rs.1,25,760/- the land was registered in my favour by Document No.422/95, dated 7.2.1995. Ill-luck would have it, the M.C.H. authorities laid a road on that land without paying compensation either to me or to the Housing Board. Thereupon, I submitted a representation to the Housing Board, dated 29.9.2003 requesting for allotment of an alternate land of an extent of 100 sq. yards either at Kukatpally or Baghlingampally. After examining my representation, the Housing Board issued proceedings No.Misc./BLP/J9/AEO(L)/2003, dated 2.7.2004, allotting plot No.24 admeasuring 76.08 sq. yards adjacent to B-37/F1 and F2 facing 30'-00 ft. wide road at Bagh Lingampally to me in lieu of the land allotted to me earlier. I was asked to take over possession of the land from the Executive Engineer, south Division and get it registered by paying necessary stamp duty and registration charges etc., at my cost and also submit an undertaking that I will not claim any further land from the A.P. Housing Board. Accordingly, I submitted an undertaking that I will not make any claim against the A.P. Housing Board in future. But before I could go in for registration of the open plot allotted to me, the petitioner has filed the above writ petition and obtained an interim order dated 15.7.2004 in W.P.M.P.No.15027 of 2004 directing stay of allotment of open plots adjacent to LIG Block No.37, Baghlingampally, Hyderabad to third parties till orders are passed on her representation dated 05.7.2004 pending disposal of the writ petition."

5. Heard counsel for the petitioner and the learned Standing Counsel appearing for Housing Board and counsel appearing for the third respondent.

6. The petitioner sought for direction to the respondents 1 and 2 to allot stray piece/open plot, which is adjacent to his flat to him. The third respondent has stated

in her counter-affidavit that the open plot has been allotted to her under the proceedings No.Misc/BLP/J9/AEO(L)/2003 dated 02.7.2004. In that view of the matter, nothing survives in this writ petition for consideration. If the petitioner is aggrieved, she is at liberty to question the proceedings dated 02.07.2004 issued by the Vice-Chairman and Housing Commissioner.

7. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Date: 19th September 2005.

BSB